

811 KAR 1:075. Racing and track rules.

RELATES TO: KRS 230.215, 230.260(1), 230.280, 230.290(2), (3), 230.300, 230.310, 230.320
STATUTORY AUTHORITY: KRS 230.215(2), 230.260(3), 230.320(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) and 230.260(3) authorize the Authority to promulgate administrative regulations prescribing the conditions under which horse racing shall be conducted in Kentucky. KRS 230.320(1) authorizes the Authority to promulgate administrative regulations setting out the conditions under which licenses may be denied, revoked, or suspended. EO 2008-668, effective July 3, 2008, abolished the Kentucky Horse Racing Authority and established the Kentucky Horse Racing Commission. This administrative regulation establishes track rules and requirements concerning proper conduct.

Section 1. A leading horse shall be entitled to any part of the track. After selecting a position in the home stretch, a driver of a horse shall not do any of the following things, which shall be considered violation of driving rules:

- (1) Change either to the right or left during any part of the race if another horse is so near the driver that in altering positions, the driver compels the horse behind to shorten strides, or causes the driver of any other horse to pull the horse out of his stride;
- (2) Jostle, strike, hook wheels, or interfere with another horse or driver;
- (3) Cross sharply in front of a horse or cross over in front of a field of horses in a reckless manner, endangering other drivers;
- (4) Swerve in and out or pull up quickly;
- (5) Crowd a horse or driver by "putting a wheel under him";
- (6) "Carry a horse out" or "sit down in front of him", take up abruptly in front of other horses so as to cause confusion or interference among the trailing horses, or do any other act which constitutes "helping";
- (7) Allow a horse to pass inside needlessly or otherwise help another horse to improve its position in the race;
- (8) Lay off a normal pace and leave a hole if it is well within the horse's capacity to keep the hole closed;
- (9) Commit an act which impedes the progress of another horse or causes the horse to "break";
- (10) Change course after selecting a position in the home stretch and swerve in or out, or bear in or out, in a manner which interferes with another horse or causes the horse to change course or take back;
- (11) Drive in a careless or reckless manner or fail to maintain reasonable control of the horse at all times during the race;
- (12) Whip under the arch of the sulky;
- (13) Cross the inside limits of the course;
- (14) Fail to set or maintain a pace comparable to the class being raced, including traveling an excessively slow quarter or any other distance that changes the normal pattern, overall timing, or general outcome of the race; or
- (15) Kick a horse. Removal of a foot from the stirrups in and of itself shall not constitute the act of kicking.

Section 2. (1) A horse or a horse's sulky that leaves the course by brushing, running over, or going inside of a pylon demarcation shall have violated this administrative regulation and may be penalized by a disqualification if in the opinion of the judges:

- (a) The action results in the horse gaining an unfair advantage over other horses in the race;
- (b) The action helps the horse improve its position in the race; or

- (c) The driver goes inside the pylons and does not immediately correct position.
- (2) A horse using the inside to pass shall have complete clearance of the pylons.
- (3) A driver striking pylons but not gaining an unfair advantage shall be cited for a violation of this administrative regulation unless he was forced to strike the pylons by circumstances beyond his control.
- (4) If an act of interference causes a horse or part of a horse's sulky to be in violation of this administrative regulation and the horse is disqualified, the offending horse shall be placed behind the horse with which it interfered.

Section 3. Complaints, Reports of Interference. (1) Complaints.

- (a) A complaint by a driver relating to driving or other misconduct during a heat shall be made at the termination of the heat, unless the driver is prevented from doing so by an accident or injury.
- (b) A driver desiring to enter a claim of foul or other complaint of violation of the rules shall, before dismounting, indicate to the judges the driver's intention to enter a claim or complaint, and immediately upon dismounting, the driver shall proceed to the telephone or judges' stand where the claim, objection, or complaint shall be immediately entered.
- (c) The judges shall not cause the official sign to be displayed until the claim, objection, or complaint has been entered and considered.
- (2) Report of interference. A driver shall report any interference to himself or herself or to the driver's horse by another horse or driver during a race to the designated official.

Section 4. If a violation set forth in Section 1 or 2 of this administrative regulation is committed by a person driving a horse coupled as an entry in the betting, the judges shall set both horses back, if, in their opinion, the violation may have affected the finish of the race. Otherwise, penalties shall be applied individually to the drivers of any entry.

Section 5. Unsatisfactory Drive; Fraud. (1) A heat in a race shall be fairly contested by each horse in the race and each horse shall be driven to the finish.

- (2) It shall be a violation of this administrative regulation for a horse to be driven:
 - (a) With design to prevent the horse from winning a heat or dash which the horse was evidently able to win;
 - (b) In an inconsistent manner with the intent to improperly manipulate the outcome of a race; or
 - (c) To perpetrate or to aid in a fraud.
- (3) The judges shall substitute a competent and reliable driver at any time prior to the start of the heat or race if the judges have reason to doubt the competence or reliability of the original driver.
- (4) A substitute driver shall be paid from the purse money due to the horse.

Section 6. A driver may be removed and another driver substituted after the positions have been assigned in a race if, in the opinion of the judges, a driver:

- (1) Is unfit or incompetent to drive;
- (2) Refuses to comply with the directions of the judges; or
- (3) Is reckless in his or her conduct and endangers the safety of horses or other drivers in the race.

Section 7. If, for any cause other than being interfered with or broken equipment, a horse fails to finish after starting in a heat, that horse shall be ruled did not finish.

Section 8. (1) Loud shouting or other disruptive or distracting improper conduct shall not occur during a race.

(2) A driver may remove a foot from the stirrup temporarily for the purpose of pulling earplugs.

Section 9. Whipping. (1)(a) A driver may have a whip if it does not exceed four (4) feet.

(b) A whip shall not have a snapper of any kind.

(2) A person shall not use any goading device, chain or mechanical device, or appliance, other than the ordinary whip or crop upon a horse in any race, training exercise, or while on association grounds.

(3)(a) A whip or crop shall not be used in a brutal, excessive, or indiscriminate manner during a race, training exercise, or while on association grounds.

(b) A driver shall use a whip only in the conventional manner, by holding the handle and whipping the horse only above the shafts.

(c) Welts, cuts, or whip marks on a horse resulting from whipping shall constitute a prima facie violation of this section.

(d) A driver shall not:

1. Whip a horse under the arch or shafts of the sulky;

2. Kick a horse;

3. Punch a horse;

4. Jab a horse;

5. Use the whip so as to interfere with or cause disturbance to any other horse or driver in a race;

6. Whip a horse after a race; or

7. Whip a horse that is exhausted or no longer in contention to win the race.

(4) A driver shall keep a line in each hand and both hands shall stay in front of the body of the driver from the start of the race until the finish of the race. The left line shall be held in the left hand and the right line shall be held in the right hand.

Section 10. (1) A horse shall not wear hobbles in a race unless it starts in hobbles in the first heat.

(2) Having so started, the horse shall continue to wear them to the finish of the race.

(3) A person removing or altering a horse's hobbles during a race, or between races, for the purpose of fraud, shall be considered to be in violation of this administrative regulation.

(4) A horse habitually wearing hobbles shall not start in a race without them unless the horse performs satisfactorily in a qualifying race.

(5) A horse habitually racing free-legged shall not wear hobbles in a race unless the horse performs satisfactorily in a qualifying race.

(6) A horse shall not wear a head pole protruding beyond its nose.

Section 11. Breaking. (1) If a horse breaks from its gait in trotting or pacing, the driver shall at once, if clearance exists, take the horse to the outside and pull it to its gait.

(2) The following shall be considered a violation of this section:

(a) Failure to properly attempt to pull the horse to its gait;

(b) Failure to take to the outside if clearance exists;

(c) Failure to lose ground by the break; or

(d) Failure to prevent extended break.

(3) If there has been no failure on the part of the driver in complying with subsection (2) of this section, the horse shall not be set back unless a contending horse on its gait is lapped on the hind quarter of the breaking horse at the finish.

(4) A driver shall not allow a horse to break for the purpose of fraudulently losing a heat.

(5) If a horse or driver's actions cause another horse to be off-stride at the wire, the offending horse shall be placed behind the horse with whom it interfered after all other placements have been made.

(6) A horse making a break, which causes interference with other contesting horses, shall be placed behind all offended horses.

(7) The judges shall set a horse back one (1) or more places if a violation of this section has been committed.

Section 12. One (1) of the judges shall call out every break made, and the clerk shall at once note the break and its character in writing.

Section 13. The time between separate heats of a single race shall be no less than forty (40) minutes. A heat shall not be called after sunset if the track is not lighted for night racing. The time between races shall not exceed thirty (30) minutes.

Section 14. Horses called for a race shall have the exclusive right of the course, and other horses shall vacate the track at once, unless permitted to remain by the judges.

Section 15. If any horse in the current program falls or runs uncontrollably on the track or is involved in an accident after starting to warm up, that horse shall be permitted to start only after examination and approval by the commission veterinarian.

Section 16. If an accident occurs, the judges shall allow adequate time in between posts to clear the track. A driver involved in an accident shall be cleared by an emergency medical technician or paramedic before resuming driving engagements.

Section 17. A driver shall be seated in his sulky at the finish of the race or the horse shall be placed as not finishing.

Section 18. The owner and trainer shall provide every sulky used in a race with uncolored or colorless wheel discs on the inside and outside of the wheel of a type approved by the commission. If necessary, the presiding judge may order the use of mud guards which shall be provided by the owners or trainers.

Section 19. Sulky. A sulky shall not be used in a race, unless it meets the requirements of the rules and regulations of the United States Trotting Association, 2005, Rule 18, Section 25, "Sulky Performance Standards".

Section 20. Helmets. A protective helmet, securely fastened under the chin and meeting the Snell Foundation 2000 Standard for Protective Headgear for Use in Harness Racing, shall be worn at all times on the premises of an association if:

- (1) Racing, parading, or warming up a horse prior to racing; or
- (2) Jogging, training, or exercising a horse at any time.

Section 21. Safety Vests. (1) A safety vest shall be worn if racing, parading, or warming up a horse prior to racing.

(2) A safety vest shall:

- (a) Cover the torso, front and back, from the collar bone to the hip bone;

(b) Be of uniform material and thickness over the whole of the vest except for:

1. Localized variation due to pattern, as, for example, quilting;
 2. Thinner areas to aid fit, as, for example, under the arms, at fastenings, and at edges; and
 3. Thicker areas in regard to particularly sensitive areas of the body, for example, the spine;
- and

(c) Equal or exceed a minimum shock absorbance rating of five (5) according to the specifications established by the British Equestrian Trade Association (BETA), which are as follows:

1. Use a critical height apparatus to measure the maximum deceleration on impact of a striker consisting of a spherical indenter weighing five and nine-tenths (5.9) (plus or minus 0.05) kilograms with a diameter of 215 (plus or minus two (2)) millimeters;

2. Condition the vest and the striker for a minimum of three (3) hours at twenty-three (23) degrees (plus or minus two (2) degrees) Centigrade;

3. With the vest lying on a smooth, flat, massive concrete base with the inside of the vest facing the striker and positioned so that the striker will impact on an area of typical thickness, not reinforced by additional material, raise and release the striker starting at a height of two-tenths (0.2) meters and increasing the height by increments of two-tenths (0.2) meters to a height which will result in a deceleration of over 300 gravity units (1G+9.81 ms), as measured by recording the signal from an accelerometer through the impact from the time before the striker impacts the vest until the accelerometer returns to the same level as before the impact;

4. Record the gravity units measured at each height increment on a line graph which has the gravity units in ascending order as the vertical axis and the release height in meters in ascending meters as the horizontal access;

5. Plot the height in meters at which the deceleration reached 300 gravity units; and

6. Multiply the height obtained in paragraph 5 of this subsection by ten (10) to calculate the shock absorbance rating.

Section 22. Penalties. (1) A horse that violates Section 1 or 2 of this administrative regulation shall:

(a) Be placed back one (1) or more positions in the heat or dash behind the horse with which the horse interfered;

(b) Be disqualified from receiving any winnings, if a horse is prevented from finishing as a result of the violation; or

(c) Be placed last among finishing horses, if a horse which the violating horse interfered with fails to finish the race due to a separate and unrelated incident.

(2)(a) A person or association that violates any section of this administrative regulation other than Section 9 of this administrative regulation shall have committed a Category 1 violation and shall be subject to the penalties set forth in 811 KAR 1:095, Section 4(1), unless, in the opinion of the judges, the violation was committed with the intent to alter or affect the outcome of a race or with the intent to defraud, in which case the person or association shall have committed a Category 3 violation and be subject to the penalties set forth in 811 KAR 1:095, Section 4(3).

(b) A person in violation of section 9(1), (2), or (3) of this administrative regulation shall be subject to a penalty of suspension or revocation of licensing privileges from three (3) days to one (1) year. The licensee whose licensing privileges may be suspended or revoked and the commission may enter into an agreement to mitigate the suspension or revocation by agreeing to payment of a fine of \$100 to \$20,000, in proportion to the seriousness of the violation.

(c) A person in violation of section 9(4) of this administrative regulation shall be subject to the following penalties:

1. For a first offense, a suspension or revocation of licensing privileges from ten (10) to thirty (30) days. The licensee whose licensing privileges may be suspended or revoked and the com-

mission may enter into an agreement to mitigate the suspension or revocation by agreeing to payment of a fine of \$100 to \$13,000, in proportion to the seriousness of the violation.

2. For a second offense, a suspension or revocation of licensing privileges from twenty (20) to sixty (60) days. The licensee whose licensing privileges may be suspended or revoked and the commission may enter into an agreement to mitigate the suspension or revocation by agreeing to payment of a fine of \$500 to \$15,000, in proportion to the seriousness of the violation.

3. For a third offense, a suspension, or revocation of licensing privileges from forty (40) to 120 days. The licensee whose licensing privileges may be suspended or revoked and the commission may enter into an agreement to mitigate the suspension or revocation by agreeing to payment of a fine of \$1,000 to \$18,000, in proportion to the seriousness of the violation.

Section 23. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) Rules and Regulations of the United States Trotting Association, 2005, Rule 18, Section 25, "Sulky Performance Standards"; and

(b) The Snell Memorial Foundation's "2000 Standard for Protective Headgear for use in Harness Racing".

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